

ARTICLE IV  
THE COUNCIL

Section 401. President of the Council

Under this Article the president or presiding officer of the Council shall be the Mayor who shall preserve order and decorum at all regular and special meetings of the Council.

Section 402. Number, Selection, Term

All legislative powers of the Town shall be vested in a Council consisting of four (4) Council Members, who shall be elected as hereinafter provided and who shall hold office for a term of two (2) years or until the succeeding Council takes office. The regular term of the Mayor and the Council Members shall expire on the last day of June immediately following the election of their successors. The Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter.

Section 403. Qualifications of Council Members

Council Members shall have resided in the Town for at least one year immediately preceding their election and shall be qualified to be registered voters of the Town. Council Members shall maintain permanent residence in the Town during their term of office.

Section 404. Compensation of Council Members

Each Council Member shall receive annual compensation which shall be equal for all Council Members and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the compensation specified at the time any Council Member takes office shall not be changed during the term for which that Council Member was elected.

Section 405. Meetings of the Council

The newly elected Council shall meet on the first Monday in July, following the election on the first Monday in June, contained in Section 709 of this Charter, for the purpose of organization, after which the Council shall meet regularly at such times as the Council may determine but not less frequently than once each month. Meetings of the Council shall be open to the public, except that the Council may meet in closed session

for any lawful purpose allowed by the Annotated Code of Maryland. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

The absence of the Mayor or any Council Member from three meetings of the Town Council during a calendar year, without being formally excused by the Town Council, shall result in that office being deemed vacant and the office shall be filled as set forth in vacancies.

#### Section 406. President and President Pro Tem of Council

The Mayor shall serve as president of the Council and shall be entitled to a vote only in the event of a tie vote of the Council. At the first meeting in July the Council shall elect a president pro tem of the Council from among its members, who shall act as president of the Council in the absence of the president.

#### Section 407. Quorum

A majority of the members of the Council shall constitute a quorum for the transaction of business.

#### Section 408. Procedure of Council

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas, nays, or abstentions upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The minutes of public meetings shall be open to public inspection.

#### Section 409. Ordinances

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than twenty-eight (28) days nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. All ordinances shall become effective on the date specified in the ordinance, which shall not be prior to twenty (20) days following approval of said ordinance. Before passage and after passage a fair summary of each ordinance shall be published at least once in the next municipal newsletter and posted by the next business day for public review in the town hall for at least two (2) weeks. In cases of emergency the above requirements may be suspended by the unanimous votes of all members of the Council present with a minimum of a quorum present. An emergency ordinance shall become effective on the date specified in the ordinance.

#### Section 410. File of Ordinances

Ordinances shall be permanently filed by the Clerk-Treasurer and shall be kept available for public inspection.

Section 411. Referendum

- (a) If, before the 28<sup>th</sup> day after passage of any action, a petition is filed with the Clerk-Treasurer containing the signature of not less than twenty percent (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular Town election, or in the Council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, levying property taxes for the payment of a legally incurred existing indebtedness, but the provisions of this section shall apply to any ordinance, or part thereof, levying special assessment charges. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.
- (b) Neither the Mayor, the Town Council, nor any member or representative thereof shall present to the Montgomery County Council, the Maryland-National Capital Park and Planning Commission or to any members, employees (or subdivision thereof) any official proposal or recommendation for the more intensive use of land within the corporate limits of the Town than has been approved by said Park and Planning Commission (i) unless said proposal or recommendation has been approved by the Mayor and all members of the Town Council in a recorded vote on the specific proposal or (ii) unless said proposal or

recommendation has been approved by a majority of voters in a special election.

- (c) The Town Council shall not issue any bonds of the Town of Kensington, nor in any one (1) fiscal year incur any indebtedness unless and until it has submitted the precise proposal in a special election and has received the specific approval of a majority of the votes cast in said special election provided, however, that this provision shall not apply in procuring funds to pay existing indebtedness legally incurred or to borrowing money for public works in anticipation of taxes through the issuance of tax anticipation warrants or their equivalent in a sum not in excess of tax revenues conservatively estimated to be received within the ensuing six (6) months.